

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GARY SUOJA, Individually and as
Special Administrator for the Estate
of OSWALD F. SUOJA, Deceased,

Plaintiff,

v.

Case No. 3:99-cv-00475-bbc

OWENS-ILLINOIS, INC.,

Defendant.

DECLARATION OF BRIAN O. WATSON
IN SUPPORT OF OWENS-ILLINOIS, INC.'S
MOTION FOR SUMMARY JUDGMENT

I, Brian O. Watson, declare as follows:

1. I am an attorney with the law firm of Schiff Hardin LLP and counsel in this case for Defendant Owens-Illinois, Inc. I make this declaration upon my own personal knowledge in support of Owens-Illinois, Inc.'s Motion for Summary Judgment (ECF No. 89). If called to testify as to the truth of the matters stated herein, I could and would do so competently.

2. Attached as **Exhibit 1** is a copy of Plaintiff's Complaint from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

3. Attached as **Exhibit 2** is a copy of Plaintiff's Initial Response to Standard Interrogatories from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

4. Attached as **Exhibit 3** is a copy of Plaintiff's Motion for Extension of Time to Produce Expert Medical Report from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis.

Cir. Ct. Dane Cty.).

5. Attached as **Exhibit 4** is a copy of Plaintiff's Expert Witness List and Witness Reports from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

6. Attached as **Exhibit 5** is a copy of Plaintiff's Pre-Trial Conference Data from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

7. Attached as **Exhibit 6** is a copy of Plaintiff's Responses to Defendant L & S Insulation Company, Inc.'s Requests for Admissions from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

8. Attached as **Exhibit 7** is a copy of Defendant, L & S Insulation Co., Inc.'s Motion to Compel Plaintiffs to Answer Defendant, L & S Insulation Co., Inc.'s First Set of Written Interrogatories and Defendant, L & S Insulation Company, Inc.'s Second Set of Written Interrogatories from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

9. Attached as **Exhibit 8** is a copy of Defendant Sprinkmann Sons Corporation's Notice of Motion and Motion for Summary Judgment from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

10. Attached as **Exhibit 9** is a copy of Defendant Sprinmkann Sons Corporation's Brief in Support of Motion for Summary Judgment from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

11. Attached as **Exhibit 10** is a copy of Defendant, Sprinmkann Sons Corporation's Affidavit and exhibits in support of its Brief in Support of Motion for

Summary Judgment from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

12. Attached as **Exhibit 11** is a copy of Stipulation and Order for Dismissal of Sprinkmann Sons Corporation from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

13. Attached as **Exhibit 12** is a copy of Defendant, Building Service Industrial Sales Company, Inc.'s Notice of Motion and Motion to Compel Plaintiff to Answer BSIS's First Set of Interrogatories, Requests to Produce and Motion to Deem Admitted BSIS's Requests to Admit from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

14. Attached as **Exhibit 13** is a copy of Defendant, ACandS, Inc.'s Notice of Motion and Motion for Summary Judgment from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

15. Attached as **Exhibit 14** is a copy of Defendant, ACandS, Inc.'s Memorandum in Support of Its Motion for Summary Judgment from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

16. Attached as **Exhibit 15** is a copy of Defendant, ACandS, Inc.'s Affidavit in Support of Its Memorandum in Support of Its Motion for Summary Judgment and ACandS, Inc.'s Affidavit of Service by mail from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

17. Attached as **Exhibit 16** is a copy of the Court's Summary Judgment Order Dismissing All Claims and Cross-Claims Against Defendant ACandS, Inc. from *Suoja v.*

ACandS, Inc., et al., No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

18. Attached as **Exhibit 17** is a copy of the Judgment of the Court Pursuant to the Summary Judgment Order Dismissing All Claims and Cross-Claims Against Defendant ACandS, Inc. from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

19. Attached as **Exhibit 18** is a copy of the Stipulation and Order for Dismissal of A.P. Green Industries, Inc. from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

20. Attached as **Exhibit 19** is a copy of the Stipulation and Order for Dismissal of Owens-Corning Corporation from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

21. Attached as **Exhibit 20** is a copy of the Order for Dismissal of Owens-Corning Corporation from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

22. Attached as **Exhibit 21** is a copy of the Court's Stipulation and Order for Dismissal from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

23. Attached as **Exhibit 22** is a copy of the Court's Pre-Trial/Scheduling Conference Minutes from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

24. Attached as **Exhibit 23** is a copy of the Special Administration Petition from *In the Matter of the Estate of Oswald Suoja*, No. 02-pr-54 (Wis. Cir. Ct. Douglas Cty.).

25. Attached as **Exhibit 24** is a copy of the Court's Order Appointing Special

Administrator from *In the Matter of the Estate of Oswald Suoja*, No. 02-pr-54 (Wis. Cir. Ct. Douglas Cty.).

26. Attached as **Exhibit 25** is a copy of the Letters of Special Administration to Gary Suoja from *In the Matter of the Estate of Oswald Suoja*, No. 02-pr-54 (Wis. Cir. Ct. Douglas Cty.).

27. Attached as **Exhibit 26** is a copy of the Notice to Close Estate from *In the Matter of the Estate of Oswald Suoja*, No. 02-pr-54 (Wis. Cir. Ct. Douglas Cty.).

28. Attached as **Exhibit 27** is a copy of the Court's Notice of Summary Procedures Deadline from *In the Matter of the Estate of Oswald Suoja*, No. 02-pr-54 (Wis. Cir. Ct. Douglas Cty.).

29. Attached as **Exhibit 28** is a copy of the Petition for Discharge from *In the Matter of the Estate of Oswald Suoja*, No. 02-pr-54 (Wis. Cir. Ct. Douglas Cty.).

30. Attached as **Exhibit 29** is a copy of the Court's Order of Discharge from *In the Matter of the Estate of Oswald Suoja*, No. 02-pr-54 (Wis. Cir. Ct. Douglas Cty.).

31. Attached as **Exhibit 30** is a copy of the obituary of Delores Suoja from the *Duluth News Tribune*.

32. Attached as **Exhibit 31** is a copy of the obituary of Derald B. "Smokey" Suoja from the *Duluth News Tribune*.

33. Attached as **Exhibit 32** is a copy of the Plaintiff's Report Pursuant To Administrative Order No. 12 in this action.

34. Attached as **Exhibit 33** is a copy of the Amended Administrative Order No. 12 from *In Re: Asbestos Products Liability Litigation (No. IV)*, No. MDL 875 (E.D. Pa.).

35. Attached as **Exhibit 34** is a copy of the Plaintiff's First Response to Standard Interrogatories in this action.

36. Attached as **Exhibit 35** is a copy of the Plaintiff's First Response to Standard Interrogatories - 6/20/12 in this action.

37. Attached as **Exhibit 36** is a copy of the Plaintiff's Supplemental Signed Response to Standard Interrogatories - 6/28/12 in this action.

38. Attached as **Exhibit 37** is a copy of the Plaintiff's Response to Owens-Illinois Requests for Production 5-28-2015 in this action.

39. Attached as **Exhibit 38** is a copy of the Plaintiff's Responses to Owens-Illinois Interrogatories 5-28-15 in this action.

40. Attached as **Exhibit 39** is a copy of the Letter to the Court from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

41. Attached as **Exhibit 40** is a copy of the Court's Minutes from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

42. Attached as **Exhibit 41** is a copy of the Order Denying Plaintiff's Motion to Amend the Complaint from *Suoja v. ACandS, Inc., et al.*, No. 97-cv-2370 (Wis. Cir. Ct. Dane Cty.).

Dated: July 10, 2015

Respectfully submitted,

By: /s/ Brian O. Watson

Edward Casmere

Brian O. Watson

Schiff Hardin LLP

233 S. Wacker Dr. Suite 6600

Chicago, Illinois 60606

(312) 258-5500

(312) 258-5600 (facsimile)

Attorneys for Defendant

Owens-Illinois, Inc.

CERTIFICATE OF SERVICE

I certify that on July 10, 2015, these papers were filed with the Clerk of the Court for the United States District Court for the Western District of Wisconsin using the CM/ECF system, which will send notification of such filing upon all parties who have appeared.

/s/ Brian O. Watson
Brian O. Watson

15640-0889

CH2\16872719.2